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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,347	03/12/2004	Michael Ian McGregor	RPS920040005US1	9907
45219 7590 04/13/2009 KUNZLER & ASSOCIATES 8 EAST BROADWAY SUITE 600 SALT LAKE CITY, UT 84111				
EXAMINER				
RUBIN, BLAKE J				
ART UNIT		PAPER NUMBER		
2457				
MAIL DATE		DELIVERY MODE		
04/13/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/800,347

Applicant(s)

MCGREGOR ET AL.

Examiner

BLAKE RUBIN

Art Unit

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-6, 8, 10-18, 20, 21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 8, 10-18, 20, 21, and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is a response to communications filed February 11, 2009.
2. Claims 1, 3-6, 8, 10-18, 20, 21, and 23 are pending in this application. Claims 1, 3, 8, 16, 17, and 20 are currently amended. Claims 2, 7, 9, 19, and 22 are cancelled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 3-6, 8, 10-18, 20, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ring et al. (U.S. Patent No. 7,080,104, hereinafter Ring), in view of Caghey (U.S. Patent Application No. 2003/0158860), in further view of Chen et al (U.S. Patent Application Publication No. 2002/0049751, hereinafter Chen).**

5. With respect to claims 1, 8, 16, 17, and 20, Ring discloses an apparatus for automatically populating an interactive messaging contact list (column 3, lines 36-59), the apparatus comprising:

a retrieval module that retrieves contact information from a plurality of contact sources residing on a users computer (column 19, lines 4-10), the plurality of contact sources comprising electronic data structures storing the contact information (column

19, lines 4-10), the contact information corresponding to online contacts of the users (column 19, lines 4-10); and

a messaging server (column 9, lines 35-42); and

wherein at least a portion of the retrieval module, validation module, and the insertion module comprise at least one of logic hardware elements and executable code, the executable code stored on one or more computer readable media (column 7, lines 34-41).

But, Ring does not disclose local contact sources, interactive prompting of the user, or checking for user validation.

However, Caughy discloses a validation module that verifies with a messaging server which of the online contacts correspond to valid users (paragraph [0049], lines 10-13, *user appears in the new contacts address book*) of an interactive messaging service provided by the messaging server (paragraph [0048], lines 3-8, *electronic messaging application 17a*).

It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Ring with the teachings of Caughy. The motivation to combine being, to increase the accuracy and efficiency of the apparatus by allowing the system to check the conflicting data with the records of a database with authorized users.

Neither Ring or Caughy disclose interactive prompting or contact insertion.

However, Chen discloses interactively prompting the user during a single online session to accept or reject contact information for each valid user (paragraph [0057],

whereby not rejecting or deleting the contact signifies acceptance of the contact), and that provides validated contact information (paragraph [0045]), the validated contact information comprising the contact information for the online contacts that correspond to valid users and are accepted by the user (paragraph [0045]);

an insertion module that adds the validated contact information to an interactive messaging contact list (paragraph [0047]);

It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Ring and Caughy with the teachings of Chen. The motivation to combine being, to increase the accuracy and efficiency of the apparatus by allowing the user to provide feedback into the system.

6. With respect to claim 3, the combination of Ring, Caughy and Chen discloses the apparatus of claim 1, Ring further discloses wherein at least one of the plurality of contact sources comprises an electronic address book having a known address book format is selected from the group consisting of a Lotus Notes format, an Eudora Mail format, and a Microsoft Outlook format (column 8, lines 1-6).

7. With respect to claim 4, the combination of Ring, Caughy and Chen discloses the apparatus of claim 1, Ring further discloses wherein the retrieval module is further configured to extract contact information by parsing an email address retrieved from the plurality of contact sources (column 15, lines 37-53).

8. With respect to claim 5, the combination of Ring, Caughy and Chen discloses the apparatus of claim 1, Ring further discloses wherein the retrieval module is further configured to extract contact information by parsing a first and last name retrieved from the plurality of contact sources (column 15, lines 37-53).

9. With respect to claim 6, the combination of Ring, Caughy and Chen discloses the apparatus of claim 1, Ring further discloses wherein the validation module is further configured to prompt a user to resolve conflicts in contact information (column 19, lines 61-67; column 20, lines 1-2).

10. With respect to claim 10, the combination of Ring, Caughy and Chen discloses the method of claim 15, Ring further discloses wherein the known address book format is selected from the group consisting of a Lotus Notes format, an Eudora Mail format, and a Microsoft Outlook format (column 8, lines 1-6).

11. With respect to claim 11, the combination of Ring, Caughy and Chen discloses the method of claim 14, Ring further discloses further comprising parsing the contact information (column 15, lines 37-53).

12. With respect to claim 12, the combination of Ring, Caughy and Chen discloses the method of claim 11, Ring further discloses wherein parsing the contact information comprises resolving a first and last name (column 15, lines 37-53).

13. With respect to claim 13, the combination of Ring, Caughy and Chen discloses the method of claim 8, Ring further discloses further comprising prompting a user to resolve conflicts in the contact information (column 19, lines 61-67; column 20, lines 1-2).

14. With respect to claim 14, the combination of Ring, Caughy and Chen discloses the method of claim 13, Ring further discloses further comprising enabling a user to selectively insert contacts into the interactive messaging contact list (column 8, lines 1-17).

15. With respect to claim 15, the combination of Ring, Caughy and Chen discloses the method of claim 12, Ring further discloses further comprising generating a confirmation request for an inserted contact (column 19, lines 61-67; column 20, lines 1-2).

16. With respect to claim 18, the combination of Ring, Caughy and Chen discloses the system of claim 17, Ring further discloses wherein the client computer is further configured to prompt a user to resolve conflicts in contact information (column 19, lines 61-67; column 20, lines 1-2).

17. With respect to claim 21, the combination of Ring, Caughy and Chen discloses the computer readable storage medium of claim 20, Ring further discloses wherein the method further comprises prompting a user to resolve conflicts in contact information (column 19, lines 61-67; column 20, lines 1-2).

18. With respect to claim 23, the combination of Ring, Caughy and Chen discloses the computer readable storage medium of claim 20, Ring further discloses wherein the method further comprises generating a confirmation request for an inserted contact (column 19, lines 61-67; column 20, lines 1-2).

Response to Arguments

19. Applicant's arguments with respect to claims 1, 3-6, 8, 10-18, 20, 21, and 23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLAKE RUBIN whose telephone number is (571) 270-3802. The examiner can normally be reached on M-R: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

4/7/09

/Rubin Blake/

Examiner, Art Unit 2457

/Salad Abdullahi/

Primary Examiner, Art Unit 2457